

Rec'd PCT/PTO 01 JUL 2004

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 11 MAY 2004



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Applicant's or agent's file reference MULTI-008	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEAA16)	
International application No. PCT/BR 03/00010	International filing date (day/month/year) 28.01.2003	Priority date (day/month/year) 28.01.2002
International Patent Classification (IPC) or both national classification and IPC F25D17/06		
Applicant MULTIBRAS S.A. ELETRODOMESTICOS et al		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  06.06.2003	Date of completion of this report  11.05.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Yousufi, S  Telephone No. +31 70 340-2823  

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**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-13 as originally filed

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	12, 13
	No: Claims	1-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-13
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. With respect to claim 1 AU-B-521 756 describes (see page 5, line 9-page 6, line 27):  
An air duct system for a combined refrigerator of the forced air circulation type, with a freezing compartment (2) and a refrigerating compartment (4), which are superposed and separated by an intermediate wall (17), further having an air cooling compartment (11) lodging an evaporator (10) and a fan (12) and presenting at least one circulated air inlet (figure 1) and at least one refrigerated air outlet (figure 1) directed to the freezing compartment (2) and to the refrigerating compartment (4), a body (30) mounted into the interior of the intermediate wall (17) and defining a rear chamber (26) opened to the circulated air inlet (figure 1); a transversal through-duct (16) centrally provided in front of the rear chamber (26) and having an end maintained in fluid communication with the refrigerated air outlet (figure 1), and an opposite end opened to the inside of the refrigerating compartment (4); at least one first and one second return duct (15,20) each presenting a rear end (figure 1) opened to the rear chamber (26) and a front end (14,19) opened to the interior of the freezing compartment (2) and of the refrigerating compartment (4), respectively, the rear ends (figure 1) of the first and the second return ducts (15, 20) being positioned on opposite sides of the transversal through-duct (16, figure 2).

Although not explicitly described in the application, rear chamber (11) has the function of a water funnel which gathers the defrost water from the evaporator (5) and channels it through an opening (figure 5 of application) into a tube (figure 1 of application) to the outside of the refrigerator. Reference number 26 of AU-B-521 756 has the same function and is therefore considered to be the rear chamber.

Although not explicitly disclosed in AU-B-521 756 the return ducts (15, 20) open to the rear chamber (26), see figures 1 and figure 2. In figure 2 the cross-section of body (30) is elevated around ducts 15 such that the upper portion of duct 20 (fig. 2 white squares diagonally below return ducts 15) is at the same level as the lower part of duct 15. A partially cut top perspective view of body (30), similar to figure 4 of the application, would show that both return ducts (15, 20) open to rear

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chamber (26).

Therefore the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

- 2a. The additional features of claims 2-11 are also known from AU-B-521 756 (see the International Search Report). Therefore the subject-matter of claims 2-11 are not new and inventive in the sense of Articles 33(2) and 33(3) PCT.
- 2b. Dependent claims 12 and 13 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (33(2) PCT), as the feature of '...the body comprising a lower and an upper half, which are designed to be fitted into each other..' is merely one of several straightforward possibilities of designing such a body.
3. Documents reflecting the prior art described on page 1, line 14-page 3, line 4 are not identified in the description (Rule 5.1(a)(ii) PCT).